

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALBERT L. JOHNSON, JR.	:	No. 02cv2347
Plaintiff	:	
v.	:	
	:	Judge Jones
JO ANNE B. BARNHART,	:	
Commissioner of Social Security	:	
Defendant	:	

MEMORANDUM AND ORDER

March 14, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On June 17, 2003, we adopted Magistrate Judge Malachy Mannion's May 23, 2003 Report and Recommendation that granted Defendant's concurred motion to remand the case sub judice to the Commissioner for further administrative action pursuant to the Social Security Act. On January 24, 2006, Defendant filed a Motion to Vacate Remand Order (doc. 12) requesting that we vacate our June 17, 2004 Order as it now appears that the Commissioner has located the transcript of the administrative proceedings, which was the basis for the remand of this case. Counsel for Plaintiff has concurred in the Motion.

We accordingly grant Defendant's Motion and vacate our June 17, 2003 Order remanding the case to the Commissioner for further administrative action. The transcript of the administrative proceedings and answer shall be submitted

within twenty (20) days of the date of this Order. The case is remanded back to Magistrate Judge Mannion for further proceedings.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Motion to Vacate Remand Order (doc. 12) is GRANTED.
2. The Court's June 17, 2003 Order remanding the case to the Commissioner for further administrative action is VACATED.
3. The transcript of the administrative proceedings and answer shall be submitted with in twenty (20) days of the date of this Order.
4. The case is remanded back to Magistrate Judge Mannion for further proceedings.

s/ John E. Jones III
John E. Jones III
United States District Judge